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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Jason Crews,

No. CV-24-00366-PHX-GMS

10 Plaintiff,

ORDER

11 v.

12 First Family Insurance LLC, et al.,

13 Defendants.

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15 Before the Court are Plaintiff's Motion for Extension of Time (Doc. 29), Motion to
16 Stay (Doc. 30), Motion for Leave to File Second Amended Complaint (Doc. 31) and
17 Motion for Leave to File Excess Pages (Doc. 36).

18 **Background**

19 Plaintiff's Complaint was filed February 22, 2024 (Doc. 1) and amended on April
20 11, 2024 (Doc. 18). Defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P.
21 12(b)(2) and 12(b)(6).

22 On May 22, 2024, Plaintiff filed a motion for a two-week extension to respond to
23 Defendants' Motion to Dismiss to allow Plaintiff time to file a motion for leave to file
24 Second Amended Complaint (Doc. 29). On the same day, Plaintiff filed a pleading entitled,
25 "Amended Motion for a Stay of Proceedings Regarding Defendants' Motion to Dismiss"
26 (Doc. 30). Plaintiff's Motion for a Stay of Proceedings and Motion for Extension of Time
27 essentially seek the same thing: a stay of proceedings related to Defendant's Motion to
28 Dismiss until at least 21 days after ruling on the then "soon-to-be-filed" motion for leave

1 to file a Second Amended Complaint.

2 On May 27, 2024, Plaintiff filed a Motion for Leave to File Plaintiff's Second
3 Amended Complaint (Doc. 31). Plaintiff states the motion for leave to amend is in response
4 to Defendants' Motion to Dismiss (Doc. 31, p. 1).

5 On June 15, 2024, Plaintiff filed an Amended Motion for Leave to File Excess Pages
6 from 10 to 17 pages to reply to Defendants' response to Plaintiff's Motion for Leave to
7 File Second Amended Complaint (Doc. 36).

8 **Motion for Extension and Motion to Stay (Docs. 29, 30)**

9 Since the filing of Plaintiff's Motions for Extension and to Stay, Plaintiff has filed
10 a Motion for Leave to File a Second Amended Complaint. The Motion for Extension (Doc.
11 29) requests the same relief sought in Plaintiff's Motion to Stay. The parties have filed
12 briefings on both motions. In light of the filing of Plaintiff's Motion for Leave to File a
13 Second Amended Complaint and the following orders, the Motion to Stay (Doc. 30) is
14 denied as moot.

15 **Motion for Leave to Amend Complaint (Doc. 31)**

16 Although Defendants' Certificate of Conferral to the Motion to Dismiss certifies the
17 parties met and conferred by email to discuss the asserted grounds for dismissal and the
18 parties were unable to agree that Plaintiff's First Amended Complaint was curable in any
19 part by a permissible amendment offered by the Plaintiff, Plaintiff filed the pending
20 motions including a Motion for Leave to Amend Complaint. The motion will be ruled on
21 in due course.

22 **Plaintiff's Motion for Leave to File Excess Pages (Doc. 36)**

23 Plaintiff has filed a Motion to Exceed Page Limit from 10 to 17 pages to reply to
24 Defendants' Response to Plaintiff's Motion for Leave to Amend. The proposed Reply is
25 line with a response to Defendants' Motion to Dismiss. There is no reason Plaintiff could
26 not have filed a reply to Defendants' Response within the page limits set forth in the Local
27 Rules. The motion is denied.

28 **IT IS ORDERED:**

1. Denying as moot Plaintiff's Motion for Extension of Time to File Response to Defendants' Motion to Dismiss (Doc. 29) as being duplicative of Plaintiff's Motion to Stay.

2. Denying Plaintiff's Motion to Stay Proceedings (Doc. 30) in light of the Court's rulings contained within this Order.

3. Denying Plaintiff's Motion for Leave to File Excess Pages (Doc. 36).

4. The Court will rule on Defendants' Motion to Dismiss (Doc. 21) and Plaintiff's Motion for Leave to file Second Amended Complaint (Doc. 31) in due course. The Court will not entertain any further filings related to either of these motions unless further ordered by the Court.

Dated this 29th day of August, 2024.

L. Murray Snow

G. Murray Snow
Chief United States District Judge